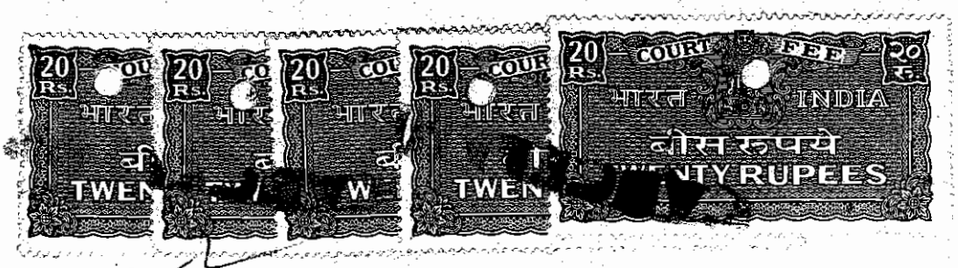


(3)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR (MP)

PETITION UNDER ARTICLE 226 READ WITH ARTICLE 227

OF THE CONSTITUTION OF INDIA

W.P.NO. 4254/1997

PETITIONER — Chikitsak Grah Nirman Sanstha Maryadit, Rajnandgaon, through the President Dr. Santosh Ku. Khandelwal, aged about 42 years s/o late Shri Badrinarayan Khandelwal, r/o Ramadhin Marg, Rajnandgaon.

Vs.

Respondents:

1. Municipal Corporation Rajnandgaon, throug the Commissioner, Municipal Corporation, Rajnandgaon.

2. Commissioner Municipal Corporation, Rajnandgaon.

XI-HC-22

(63)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P. No. 4275/97 सन् 2002

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 19.06.2002<br><br>Shri Atul Anand Awasthy, with Shri Anand Shukla, counsel for the petitioner.<br><br>Shri Mohd. Nasir, counsel for the respondents.<br><br>Heard.<br><br>By this writ petition filed under Articles 226/227 of the Constitution of India, petitioner prays for quashing of the order dated 04.8.1997 (Annexure P-17) whereby respondent no.2 had directed for revocation of permission to the petitioner regarding construction of the building roads, drains etc., on the land allotted to the petitioner.<br><br>Petitioner is a registered co-operative society which has been registered under the provisions of section 9 of M.P. Co-operative Societies Act 1960. Counsel for the petitioner submits that the petitioner's Society was accorded sanction and permission for construction of buildings, roads, drains etc., on the land allotted to them and the Petitioner's society | |

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

has spent huge amount for development of the land. However, respondent no.2, the Commissioner of Municipal Corporation, Rajnandgaon has revoked the permission granted to the Society.

Return has been filed by the respondents in which it has been stated that the impugned order has been passed on account of breach of conditions by the petitioner which resulted in accumulation of rain water and drain water in the vicinity creating health hazard to the public and the petitioner Society had to make arrangements for providing basic facilities like WBM Road, Pacca drains, culverts for free flow of drain water. Annexure P-16 is the letter dated 17.7.1995 addressed to the petitioner by respondent no.1 also shown the reason for suspending the development work that the petitioner did not make arrangements for way out of the drain water and rain water which has resulted in accumulation of dirty water in the vicinity and due to which

## आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -3- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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various kinds of diseases have been spreading and the way out to the Budasagar is blocked and the pressure from the public is mounting on the authorities. . It is also pointed out that the development and suprvision fee was not paid.

Counsel for the petitioner on the other hand contends that the order dated 04.8.1997 Annexure P-17 has been passed without giving opportunity of hearing to the petitioner which is arbitrary, illegal and against the principle of natural justice. Counsel for the petitioner submits that so far as the legal charges is concerned, they shall be paid on demand from the respondents.

Having considered the facts and circumstances of the case and material on record and that the impugned order has been passed without giving opportunity to the petitioner, in the opinion of this Court the impugned orders dated 17.7.1995 (Annexure P-16) and dated 4.8.1997 (Annexure P-17)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -4- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | ~~(7)~~ passed by respondent no.2 are accordingly set aside. | deserve to be set aside and |
| | However, it is open to the impose ~~all~~ such developmental petitioner's society by raising demand is made, the petitioner charges in accordance with law. may construct the drains for free flow of water in accordance with the lay out, so that no health hazard ~~will~~ arise ~~and the costs thereof be recovered from the petitioner.~~ | respondents /Corporation to supervision charges on the demand and in case such society shall pay such If necessary the Corporation also issue instruction in writing to |
| | With the direction/observation aforesaid, this petition is disposed of at this stage with liberty to file afresh if eventuality arises. Certified Photocopy be supplied to the parties. | |
| | | **Sd/-**<br>**Fakhruddin**<br>**Judge** |
| Rao | | |

पीछे देखिये